

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ALICE KRAMER, as Personal Representative of the
Estate of Arthur Kramer,

Plaintiff,

– against –

LOCKWOOD PENSION SERVICES, INC., TALL
TREE ADVISORS, INC., LIFE PRODUCTS
CLEARING, LLC, TRANSAMERICA
OCCIDENTAL LIFE INSURANCE CO., PHOENIX
LIFE INSURANCE CO., LINCOLN LIFE &
ANNUITY CO. OF NEW YORK AND
JONATHAN S. BERCK,

Defendants.

**Civil Action No.
08 CV 2429 (DAB)(MHD)**

ECF Case

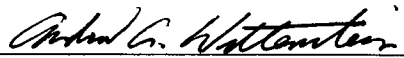
NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the accompanying (i) Plaintiff's Memorandum of Law in Support of Her Motion to Dismiss Defendant Phoenix Life Insurance Co.'s Counterclaims, and (ii) Affidavit of Stuart I. Friedman in Support of Plaintiff's Motion to Dismiss Defendant Phoenix Life Insurance Co.'s Counterclaims, sworn to on June 26, 2008, with exhibits attached thereto, Plaintiff Alice Kramer, as Personal Representative of the Estate of Arthur Kramer, will move this Court, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, for an Order dismissing Defendant Phoenix Life Insurance Co.'s counterclaims,

asserted in the Answer to Amended Complaint With Counterclaims, Cross-Claims and Third-Party Complaint, with prejudice.

Dated: New York, New York
June 27, 2008

FRIEDMAN & WITTENSTEIN
A Professional Corporation

By: 
Stuart I. Friedman (SF-9186)
Andrew A. Wittenstein (AW-1943)
Claire L. Chau (CC-0125)

600 Lexington Avenue
New York, New York 10022
(212) 750-8700

Attorneys for Plaintiff